



U.S. Department of Justice

United States Attorney's Office

United States Attorney
District of Massachusetts

DISTRICT COURT
DISTRICT OF MASS.

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Springfield, Massachusetts 01103

February 10, 2006

C. Jeffrey Kinder, Esq.
64 Gothic Street
Northampton, MA 01060

Re: United States v. Jose Rodriguez
Criminal No. 05-30034-MAP

Dear Attorney Kinder:

In accordance with the government's continuing discovery obligations pursuant to Local Rule 116.1(C) and 116.2(B) and Fed. R. Crim. P. 16(a)(1), I am providing you with the following information.

On June 2, 2005, before his grand jury testimony and during his grand jury testimony CW Julian Rios was shown a photographic lineup which consisted of photographs of 28 males. Rios identified Tito Rodriguez's photograph as the person from whom he purchased crack on December 7, 2004. Based upon that identification and other evidence an Indictment was returned against Tito Rodriguez. The government now believes, based in part upon a review of the DVD of the deal, that Rios misidentified Rodriguez. As a result the government has filed a motion to dismiss the Indictment against Rodriguez.

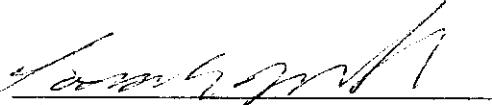
Please feel free to call me at (413) 785-0235 if you

have any questions about the above information.

Very truly yours,

MICHAEL J. SULLIVAN
United States Attorney

By:


TODD E. NEWHOUSE
Assistant U.S. Attorney

cc: ✓ Bethany Healy,
Courtroom Clerk
Hon. Kenneth P. Neiman
United States Magistrate Judge